

### REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-10 are pending in the present application. Claims 1-4 and 9 are amended by the present amendment.

The amendments to Claims 1-4 and 9 only adopt suggestions made in the outstanding Office Action. As stated in MPEP § 1207, “[e]xcept where an amendment merely cancels claims and/or adopts examiner suggestions . . . compliance with the requirement of showing under 37 CFR 1.116 will be expected of all amendments after final rejection.” Accordingly, it is respectfully submitted that the present amendment does not raise new issues and therefore the amendments should be entered.

Moreover, Applicants respectfully submit that the Finality of the outstanding rejections is improper. In particular, the rejection of Claim 3 under 35 U.S.C. § 112, second paragraph, is a new rejection to an unamended dependent claim. Further, the new grounds for rejection to Claim 3 are independent of and were not necessitated by any amendments made in Applicants last response, including amendments made to independent Claim 1, i.e. the language rejected in Claim 3 was previously recited and not added by the previous amendment. In addition, the rejection of independent Claims 1 and 9, with regard to the use of the term “mobile answer device” is a new rejection not necessitated by amendments to those independent claims as that claim language was previously seated in Claims 1 and 9, i.e. that language was not added by the previous amended. Accordingly, Applicants respectfully request that the finality of the outstanding rejection be withdrawn.

In the outstanding Office Action, Claims 1, 3 and 9 were rejected under 35 U.S.C. § 112, second paragraph; and Claims 1-10 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,333,973 to Smith et al. (herein “Smith”).

Regarding the rejection under 35 U.S.C. § 112, second paragraph, Claims 1-4 and 9 are amended in light of suggestions in the outstanding Office Action. In particular, the phrase "mobile answer device" in Claims 1-4 and 9 is amended to be --remote answer device-- , and the phrase "requests a wireless connection" in Claims 1 and 9 is amended to be --establishes a wireless connection--, as suggested in the outstanding Office Action. Further, Claim 3 is amended to more clearly recite the claimed subject matter, as suggested in the outstanding Office Action. Accordingly, Applicants respectfully request that rejection be withdrawn.

Claims 1-10 were rejected under 35 U.S.C. § 102(e) as anticipated by Smith. Applicants respectfully traverse that rejection.

In supporting the outstanding rejection under 35 U.S.C. § 102(e) as anticipated by Smith, the outstanding Office Action states:

Regarding claims 1 and 9, Smith teaches a procedure and method to transmit information in connection with a telephone answering service which is provided by a mobile answer device in a mobile telephone system characterized in the steps:

...

transmitting a text message containing the stored information, in parallel to transmitting recorded speech messages from the calling subscriber, to the called subscriber (col. 7 lines 40-56) when the called subscriber requests a wireless connection to the mobile answer device to listen to recorded speech messages (Fig. 10, col. 8 line 26 [to] col. 9 line 5, and col. 9 lines 35-43).<sup>1</sup>

However, the above-noted grounds for the rejection under § 102(e) erroneously construes the cited reference as teaching the features recited in Claims 1 and 9.

Claim 1 is directed to a procedure to transmit information in connection with a telephone answering service which is provided by a remote answer device in a mobile telephone system. The procedure includes connecting a calling subscriber to the remote

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<sup>1</sup> Office Action mailed May 21, 2004, at page 3, lines 13-23.

answer device when a called subscriber can not be accessed and storing information that originates from the calling subscriber on the remote answer device.

Further, the procedure of Claim 1 includes transmitting a text message to the called subscriber in parallel to transmitting recorded speech messages to the called subscriber. The text message contains the stored information that originates from the calling subscriber. In addition, the text message and recorded speech messages are transmitted when the called subscriber establishes a wireless connection to the remote answer device to listen to the recorded speech messages.

In a non-limiting example, the specification states that stored information is “transmitted, not as previously at notification, but at the listening to the messages. This is done via SMS or USSD (Unstructured Supplementary Services Data) which uses signaling channels which transfer information in parallel with the speech service.”<sup>2</sup> That is, in this example, stored information from the calling subscriber is transmitted to a called subscriber in parallel to the transmission of the recorded speech message to the called subscriber. Further, the stored information from the calling subscriber is not transferred to the called subscriber upon notification that a message has been stored, as in the background art.

An advantage of this approach is that “the telephone number from [a] calling subscriber is transmitted to the voice mailbox subscriber via SMS or USSD, at the same time as the subscriber listens to recorded mobile answer messages”<sup>3</sup> thereby allowing convenient transfer of telephone numbers and other information from calling subscribers to called subscribers.<sup>4</sup>

Smith is directed to an integrated message center that consolidates messages of different types (e.g., voice, fax and email) for viewing and manipulation by a user. However,

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<sup>2</sup> Specification at page 4, lines 26-30.

<sup>3</sup> Specification at page 6, lines 13-16.

<sup>4</sup> Specification at page 6, lines 29-31.

Smith describes only two conventional methods for transmitting stored information to a called subscriber. In the first method, Smith indicates that the

SMS server 5300 formulates an SMS voice mail notification message to notify the user of the voice mail message. The voice mail notification message might include the caller's name and telephone number, a time and date stamp, and the name and address of voice mail server 5600.<sup>5</sup>

Thus, in this method, Smith indicates that stored information is transmitted to the called subscriber upon notification, which is different than the claimed procedure of transmitting the stored information to the called subscriber in parallel to transmitting the recorded speech messages.

Alternatively, Smith also indicates that “[i]f the user desires, message center 6100 will provide more detailed information about any of the received messages *before* retrieving the actual message” (emphasis added).<sup>6</sup> Hence, with this second method, Smith indicates that stored information is transmitted to the called subscriber *before* retrieving the recorded speech messages, which is different than the claimed procedure of transmitting the stored information to the called subscriber in parallel to transmitting the recorded speech messages.

Further, the sections of Smith cited in the outstanding Office Action as teaching the claimed invention merely point out conventional elements of retrieving stored messages, as discussed above. Accordingly, it is respectfully submitted that Smith does not teach or suggest “transmitting a text message containing the stored information, in parallel to transmitting recorded speech messages from the calling subscriber, to the called subscriber when the called subscriber establishes a wireless connection to the remote answer device to listen to recorded speech messages,” as recited in independent Claims 1 and 9.

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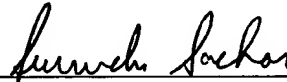
<sup>5</sup> Smith at column 7, lines 50-56.

<sup>6</sup> Smith at column 8, lines 52-54.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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